

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

LINDA JURGENS,)	CASE NO.: 8:24-cv-20
)	
Plaintiff,)	
)	
vs.)	NOTICE OF REMOVAL AND
)	DEMAND FOR JURY TRIAL
CITY OF OMAHA, a political)	
subdivision,)	
)	
Defendant.)	

COMES NOW the City of Omaha, a Nebraska political subdivision, Defendant in the above-entitled action, and removes this action to this United States District Court for the District of Nebraska upon the following showing:

1. On December 20, 2023, the Plaintiff filed a complaint in an action entitled Linda Jurgens vs. City of Omaha, a political subdivision, identified as Case No. CI 23-9992, in Douglas County District Court in the State of Nebraska, where it is presently pending. A true and accurate copy of Complaint is attached hereto as Exhibit 1. The Complaint asserts that the Defendant deprived Plaintiff of her federal constitutional rights by “taking” her property during a sewer backup, and the Plaintiff seeks recovery under 42 U.S.C. § 1983, as well as state law claims, for which this Court has supplemental jurisdiction under 28 U.S.C. § 1367.

2. The Plaintiff caused the Clerk of the District Court of Douglas County to issue a summons on the captioned Defendant on or about December 20, 2023. True and accurate copies of all summonses issued are attached hereto as Exhibit 2. The summons was served on the City of Omaha by certified mail on December 26, 2023. The summons contained a copy of the Plaintiff’s Complaint. The Complaint received by the Defendant is the first pleading from which it can be ascertained that the case is removable.

3. The summons and Complaint provide the Defendant thirty (30) days from the date of service to respond. The Defendant, served on December 26, 2023, has until January 25, 2024 to Answer. In accordance with 28 U.S.C. § 1446(b)(2)(B), the Defendant has until January 25, 2024 to remove the case.

4. The Complaint in the pending action presents a claim arising under the United States Constitution, treaties, or laws of the United States and is removable from the State court in accordance with 28 U.S.C. § 1441(a).

5. All Defendants named in the Complaint join in and consent to this Removal.

6. Service of process was made and/or the Complaint was received by the Defendant on December 26, 2023. This removal action is filed within thirty days after any named Defendant first received or was served with the Complaint, and within 30 days after it could be ascertained that the case is removable.

7. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction of the claim filed by Plaintiff in the District Court of Douglas County, Nebraska, and the action may, therefore, be removed to this Court pursuant to 28 U.S.C. § 1441.

WHEREFORE, the Defendant City of Omaha prays that the above entitled action be removed from the District Court of Douglas County, Nebraska to this Court.

DEMAND FOR JURY TRIAL

The Defendant respectfully requests a jury trial to all causes of action so triable in Omaha, Nebraska.

DATED this 18th day of January, 2024.

CITY OF OMAHA, Defendant

BY: /s/Jeffrey A. Bloom
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Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on 18th day of January, 2024, I filed the foregoing **NOTICE TO REMOVE** with the Clerk of the Court using the CM/ECF system, and I sent notification of such filing by first class mail, postage prepaid, addressed to:

Matthew S. McKeever
Burnett Wilson Law, L.L.P.
17525 Arbor Street
Omaha, NE 68130

/s/Jeffrey A. Bloom
JEFFREY A. BLOOM